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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DEBARON SANDERS,

Petitioner,

2:14-cv-01966-JCM-NJK

vs.

ORDER

BRIAN WILLIAMS, SR., *et al.*,

Respondents.

_____ /

In this habeas corpus action, on August 28, 2017, the Court granted the motion of the petitioner’s appointed counsel to withdraw (ECF No. 50). Therefore, the Court will appoint new counsel to represent the petitioner.

IT IS FURTHER ORDERED that Mary Lou Wilson (2064 Regent Street, Reno, Nevada, 89509, 775-771-8620) is appointed to represent the petitioner, Debaron Sanders, in this action.

IT IS FURTHER ORDERED that the clerk of the court shall serve copies of this order on Mary Lou Wilson, and the petitioner, Debaron Sanders, as well as on the respondents.

IT IS FURTHER ORDERED that Mary Lou Wilson shall have 10 days from the date of entry of this order to file a notice of appearance for the petitioner, or to indicate to the court her inability to represent the petitioner in these proceedings.

1 **IT IS FURTHER ORDERED** that the following schedule shall govern the further litigation
2 of this action:

3 1. **Amended Petition.** If necessary, petitioner shall file and serve an amended petition
4 for writ of habeas corpus within 90 days after entry of this order. The amended petition shall
5 specifically state whether each ground for relief has been exhausted in state court; for each claim that
6 has been exhausted in state court, the amended petition shall state how, when, and where that
7 occurred. If petitioner determines that an amended petition need not be filed, then, within 90 days
8 after entry of this order, petitioner shall file and serve a statement to that effect.

9 2. **Response to Petition.** Respondents shall have 60 days following service of the
10 amended petition to file and serve an answer or other response to the amended petition. If petitioner
11 does not file an amended petition, respondents shall have 60 days following the due-date for the
12 amended petition to file and serve an answer or other response to petitioner's original petition.

13 3. **Reply and Response to Reply.** Petitioner shall have 45 days following service of an
14 answer to file and serve a reply. Respondents shall thereafter have 30 days following service of a
15 reply to file and serve a response to the reply.

16 4. **Briefing of Motion to Dismiss.** If respondents file a motion to dismiss, petitioner
17 shall have 45 days following service of the motion to file and serve a response to the motion.
18 Respondents shall thereafter have 20 days following service of the response to file and serve a reply.

19 5. **Discovery.** If petitioner wishes to move for leave to conduct discovery, petitioner
20 shall file and serve such motion concurrently with, but separate from, the response to respondents'
21 motion to dismiss or the reply to respondents' answer. Any motion for leave to conduct discovery
22 filed by petitioner before that time may be considered premature, and may be denied, without
23 prejudice, on that basis. Respondents shall file and serve a response to any such motion concurrently
24 with, but separate from, their reply in support of their motion to dismiss or their response to
25 petitioner's reply. Thereafter, petitioner shall have 20 days to file and serve a reply in support of the
26 motion for leave to conduct discovery.

6. **Evidentiary Hearing.** If petitioner wishes to request an evidentiary hearing, petitioner shall file and serve a motion for an evidentiary hearing concurrently with, but separate from, the response to respondents' motion to dismiss or the reply to respondents' answer. Any motion for an evidentiary hearing filed by petitioner before that time may be considered premature, and may be denied, without prejudice, on that basis. The motion for an evidentiary hearing must specifically address why an evidentiary hearing is required, and must meet the requirements of 28 U.S.C. § 2254(e). The motion must state whether an evidentiary hearing was held in state court, and, if so, state where the transcript is located in the record. If petitioner files a motion for an evidentiary hearing, respondents shall file and serve a response to that motion concurrently with, but separate from, their reply in support of their motion to dismiss or their response to petitioner's reply. Thereafter, petitioner shall have 20 days to file and serve a reply in support of the motion for an evidentiary hearing.

Dated September 13, 2017.

James C. Mahan
UNITED STATES DISTRICT JUDGE